

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1399 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANKARLAL D RAVAL

Versus

JILLA COMMANDANT

Appearance:

MR MC BAROT for Petitioner

MR RM DESAI for Respondent No. 1, 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 24/07/96

ORAL JUDGEMENT

None appears.

The petitioner herein has challenged the orders dated 21st February, 1986 suspending him from service as an officer Commanding, Home Guards, Vijapur. The petitioner has alleged that the respondent No.1 who had made the order was holding the charge of the post of

District Commandant and the petitioner being senior Taluka Commanding Officer, Vijapur, was likely to be selected for the post of District Commanding Officer. Thus, with a mala fide intention, the petitioner was falsely implicated in alleged financial irregularities and was suspended from service.

This Court, on 21.3.86, admitted the petition and by way of ad-interim order, directed the respondents to allow the petitioner to work as Taluka Officer Commanding.

Respondent No.2 has filed his affidavit in reply to the petition in which it is denied that the petitioner was Taluka Officer Commanding Vijapur as averred by him. It is stated that the petitioner was Officer Commanding, Vijapur that is one of the eight units in Vijapur Taluka. It is further stated that the respondent no.1 was second in rank of senior Divisional Commandant since 1981 while the petitioner was holding rank of Divisional Commander which is lower than the rank of senior Divisional Commander. Thus, the allegations of mala fide made against the first respondent are denied. It is further stated that during the annual inspection, several irregularities were detected and the petitioner was asked to explain various transfer and dearness allowances claimed by him. Relying on the report made by the senior staff officer, the petitioner was prima facie found to have calculated travelling and dearness allowances wrongly. Thus, in view of the said report, the petitioner was suspended from service under the impugned order.

This Court, on 2nd May, 1986, after perusing the aforesaid affidavit in reply filed by the second respondent, vacated the ad-interim relief granted earlier on 21st May, 1986.

In view of the passage of time, since 2nd May, 1986, the date on which ad-interim relief granted earlier was vacated, I do not consider it expedient to interfere with the order of suspension at this stage. It is quite possible that the inquiry against the petitioner contemplated for the alleged act of commission of irregularities is by now completed and the order of suspension may not be surviving. However, in absence of any material on record of the petition, the petition requires to be dismissed as aforesaid. Petition is accordingly dismissed. Rule is discharged. The petitioner shall bear costs of this petition.

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